



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 31, 2016

MR. MARTIN PECK
DEPT MR 26374
411A HIGHLAND AVENUE
SOMERVILLE, MA 02144-2516

FOIPA Request No.: 1343082-000
Subject: Processing notes and other records, FOIA#'s
1336885-0 / 1336885-1 with final response sent
January 6, 2016

Dear Mr. Peck:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

Section 552

☐ (b)(1)

☐ (b)(2)

☐ (b)(3)

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☐ (b)(7)(C)

☐ (b)(7)(D)

☐ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

7 pages were reviewed and 7 pages are being released.

☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.

☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

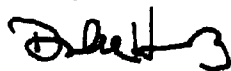
☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us". The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Should you disagree with any determination referenced in this letter, you may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal to OIP must be postmarked or transmitted within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal". Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

January 6, 2016

MR. MARTIN PECK
DEPT MR 21208
POST OFFICE BOX 55819
BOSTON, MA 02205-5819

FOIPA Request No.: 1336885-001
Subject: SSL and TLS Secret Key Material
Obtained Pursuant to Court Order

Dear Mr. Peck:

This is in response to your Freedom of Information Act (FOIA) request.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify main file records responsive to the FOIA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet.

Sincerely,

A handwritten signature in black ink, appearing to read "D Hardy", is placed below the word "Sincerely,".

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

(RMD) (FBI)

From: Sobonya, David P. (RMD) (FBI)
Sent: Wednesday, December 02, 2015 9:39 AM
To: FOIPAQUESTIONS
Subject: FW: Freedom of Information Request #1336885-000

Muckrock....

David P. Sobonya
Public Information Officer/GIS
Record/Information Dissemination Section (RIDS)
FBI-Records Management Division
170 Marcel Drive, Winchester, VA 22602-4843
PIO: (540) 868-4593
Direct: (540) 868-4286
Fax: (540) 868-4391/4997

From: 21208-45400854@requests.muckrock.com [mailto:21208-45400854@requests.muckrock.com]
Sent: Tuesday, December 01, 2015 8:07 PM
To: Sobonya, David P. (RMD) (FBI)
Subject: RE: Freedom of Information Request #1336885-000

December 1, 2015
Federal Bureau of Investigation
Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

DEC 2015

This is a follow up to request number 1336885-000:

Per your request for fix of this request,

Under the USA PATRIOT Act, Pub. L. No. 107-56 §505(a), 115 Stat. 272, 365 (2001), including recent revisions; C.f. USA FREEDOM Act of 2015, Pub. L. No. 114-23, 129 Stat. 268, the FBI can issue National Security Letters requesting specific business record information, including SSL/TLS private keys used in Internet communications. See <https://peertech.org/files/merrill-v-lynnch-unredacted-decision-vacating-gag.pdf> for additional information.

I am requesting Procedures, Instructions, and any other materials regarding the proper handling of SSL/TLS secret keys obtained via National Security Letters or Court Order under PATRIOT Act, or USA FREEDOM Act authorities as above.

Thank you!

On Nov. 25, 2015:
To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Sept. 10, 2015. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #1336885-000.

Thanks for your help, and let me know if further clarification is needed.

On Nov. 23, 2015:
A fix is required to perfect the request.

On Oct. 26, 2015:
To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Sept. 10, 2015. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #1336885-000.

Thanks for your help, and let me know if further clarification is needed.

On Sept. 24, 2015:
An interim response, stating the request is being processed.

On Sept. 10, 2015:
Dear Mr. Peck,

The FBI has received your Freedom of Information Act/Privacy (FOIPA) request and it will be forwarded to Initial Processing for review. Your request will be processed under the provisions of FOIPA and a response will be mailed to you at a later date.

Requests for fee waivers and expedited processing will be addressed once your request has been assigned an FOIPA request number. You will receive written notification of the FBI's decision.

Information regarding the Freedom of Information Act/Privacy is available at <http://www.fbi.gov> <<http://www.fbi.gov>>, <http://www.fbi.gov/foia/> or <http://www.justice.gov/oip>. If you require additional assistance please contact the Public Information Officer.

Thank you,

David P. Sobonya
Public Information Officer/GIS
Record/Information Dissemination Section (RIDS)
FBI-Records Management Division
170 Marcel Drive, Winchester, VA 22602-4843
PIO: (540) 868-4593
Direct: (540) 868-4286
Fax: (540) 868-4391/4997

On Sept. 10, 2015:
To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Procedures, instructions, relevant materials regarding the proper handling of SSL/TLS secret key material obtained pursuant to court order under any authority.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM, DVD-R, or BD-R if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

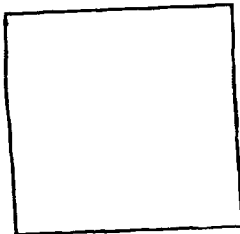
Martin Peck

Filed via MuckRock.com
E-mail (Preferred): 21208-45400854@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock
DEPT MR 21208
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

December 4, 2015

MR. MARTIN PECK
MUCKROCK
DEPT MR 21208
POST OFFICE BOX 55819
BOSTON, MA 02205-5819

FOIPA Request No.: 1336885-001
Subject: SSL AND TLS SECRET KEY
MATERIAL OBTAINED PURSUANT TO
COURT ORDER

Dear Mr. Peck:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☐ Your request has been received at the _____ Resident Agency / _____ Field Office and forwarded to FBI Headquarters for processing.
- ☒ We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- ☐ The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- ☐ Release of responsive records will be made to the FBI's FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- ☐ Your request for a fee waiver is being considered and you will be advised of the decision at a later date. If your fee waiver is denied, you will be charged fees in accordance with the category designated below.
- ☒ For the purpose of assessing fees, we have made the following determination:
 - ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - ☐ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - ☒ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check for the status of your FOIPA request at www.fbi.gov/foia by clicking on **Check the Status of Your FOIPA Request** under **Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

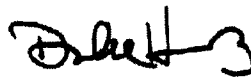
You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures (2)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of your requested records.

Material has been reviewed pursuant to Title 5, U.S. Code Section 552, and this material is being withheld in its entirety by the FBI pursuant to subsection (b)(7)(E).

By letter dated May 10, 2016, records responsive to your request were reviewed and released to you in FOIA 1341659-0. The records you currently seek have already been properly reviewed and withheld pursuant to the provisions of the Freedom of Information and Privacy Acts, Title 28, Sections 552 and 552A.

The enclosed material represents the final release of information regarding your FOIA request.

This material is being provided to you at no charge.

